

REPORT TO THE LEGISLATURE

CHAPTER 332, LAWS OF 2001, Section 8

Good Cause Determination

Submitted By:

Department of Social and Health Services
Children's Administration
December 2001

GOOD CAUSE DETERMINATION

TABLE OF CONTENTS

I.	LEGISLATIVE REQUIREMENT	PAGE 1
II.	PROMULGATION OF RULES	PAGE 2
III.	IMPLEMENTATION PLANS	PAGE 2
APPENDIX		
	DIVISION OF CHILD SUPPORT POLICY CLARIFICATION MEMO 01-019	PAGE 4

GOOD CAUSE DETERMINATION

I. LEGISLATIVE REQUIREMENT

This report is provided to the Legislature to comply with Chapter 332, Laws of 2001, Section 8 which requires the Department of Social and Health Services (the Department) to promulgate rules to establish “good cause” exceptions to establishment and enforcement of child support from parents of children placed in out of home care under RCW 13.34 or 13.32A. The Legislature further specified that the rules do not violate federal funding requirements. The Department is to present the rules and the plan for implementation of the rules to the appropriate committees of the legislature prior to the 2002 legislative session. This report fulfills that requirement.

II. PROMULGATION OF RULES

The Division of Child Support and the Children’s Administration collaborated to review and update the rules regarding criteria for determining good cause for the Division of Child Support not to pursue collection of child support on certain foster care cases. WAC 388-25-0225 established new rules, effective April 2001, prior to the enactment of the legislation.

WAC 388-25-0225 states:

“What cases must the Department refer to the Division of Child Support?”

- (1) The Division of Children and Family Services office must refer to the Division of Child Support, every foster care placement in which the Division of Children and Family Services participates in payment for care except:
 - a) Cases, if any, which the Division of Child Support has determined it would not be cost effective to pursue collection, including placements of seventy-two hours or less; or,
 - b) Cases exempt by law from collection action; or,
- (2) The Children’s Administration must refer to the Division of Child Support cases in which the Department determines that sufficient good cause exists to not pursue collection. The following constitute good cause for requesting that Division of Child Support not pursue collection action on foster care cases referred to the Division of Child Support:
 - a) The Department’s Division of Developmental Disabilities has determined that the child is developmentally disabled. The Division of Child Support still must establish paternity.
 - b) The parent or other legally obligated person, or the parent or other person’s child, spouse, or spouse’s child was the victim of the offense for which the child was committed to the custody of the Juvenile Rehabilitation Administration and the child is being placed directly into foster care from a Juvenile Rehabilitation Administration facility until this placement episode closes.
 - c) Adoption proceedings for the child are pending in court or the custodial parent is being helped by a private or public agency to decide if the child will be placed for adoption.

- d) The child was conceived as a result of incest or rape and establishing paternity would not be in the child's best interest.
- e) The juvenile or Tribal court in the dependency proceeding finds that the parents will be unable to comply with an agreed reunification plan with the child due to the financial hardship caused by paying child support. The social worker also may determine that financial hardship caused by paying child support will delay or prevent family reunification.
- f) The custodial parent and/or the child may be placed in danger as a result of the presence of or potential for domestic abuse perpetrated by the other parent or responsible person.

III. IMPLEMENTATION PLANS

The Department has developed and implemented procedures to support and comply with the above legislative requirement.

- The Division of Child Support issued Policy Clarification Memo 01-029: *NEW GOOD CAUSE RULES FOR FOSTER CARE CASES* to all Division of Child Support Staff. (see appendix) This policy memo includes the new Washington Administrative Code language, and also provides written answers to frequently-asked questions.
- Children's Administration has initiated the process to incorporate "*Good Cause Determination*" into the *CHILDREN'S ADMINISTRATION PRACTICE AND PROCEDURE MANUAL*. This process will be complete by January 2002.
- Children's Administration and the Division of Child Support have collaborated to provide clarifying instructions to workers in both divisions to implement the *Good Cause Determination Process*.

The following actions will support continued efforts of both divisions to strengthen good cause exception of child support from parent(s) of children in out-of-home placement:

- The *Good Cause Determination* process will be incorporated into current staff training curricula.
- An information system interface is being developed in the Statewide Automated Child Welfare Information System. This will allow coordinated communication between divisional information systems, such as the Children's Administration *CASE AND MANAGEMENT INFORMATION SYSTEM*, the Economic Services Administration *AUTOMATED CLIENT ELIGIBILITY SYSTEM*, and the Division of Child Support's *SUPPORT ENFORCEMENT MANAGEMENT SYSTEM*. The interface will include an automated notification system process for "good cause" exclusion.

**APPENDIX
TO
CHAPTER 332, LAWS OF 2001, Section 8
GOOD CAUSE DETERMINATION**

December 31, 2001

**Children's Administration
Department of Social & Health Services**

**DIVISION OF CHILD SUPPORT
POLICY CLARIFICATION MEMO 01-019**

TO: All DCS Staff

FROM: Georgiann DeKay, Acting Director
Division of Child Support

DATE September 19, 2001

SUBJECT: **New Good Cause Rules for Foster Care Cases**

WHAT IS THE BACKGROUND OF THIS PCM?

Children's Administration has enacted new rules effective April 30, 2001 that outline the criteria for determining good cause for DCS not to pursue support on certain foster care cases.

Under *WAC 388-25-0225*, children's Administration must still refer a case to DCS even though Children's Administration has determined there is good cause not to pursue collection of support.

WHAT IS THE BASIS FOR A GOOD CAUSE DETERMINATION IN A FOSTER CARE CASE?

There are a number of reasons why the Children's Administration's Division of Children and Family Services (DCFS) might determine good cause on a foster care case. These include cases in which:

- a. Division of Developmental Disabilities (DDD) has determined that the child is developmentally disabled.
 - In these cases, DCS must still establish paternity.
- b. Juvenile Rehabilitation Administration (JRA) has discharged a child after the child served time for an offense against a family member and the child is now in foster care to protect the family member.
- c. Adoption proceedings for the child are pending in court, or a private or public agency is helping the custodial parent (CP) to decide if the child will be placed for adoption.
- d. The child was born as a result of rape or incest and establishing paternity would not be in the child's best interest.
- e. The juvenile or tribal court in a dependency proceeding finds that the parents will be unable to comply with an agreed reunification plan with the child due to financial hardship caused by paying child support.
 - The social worker may also determine that financial hardship caused by paying support will delay or prevent family reunification.
- f. The CP or the child may be placed in danger of domestic abuse perpetrated by the other parent or responsible person.

WHO MAKES THE GOOD CAUSE DETERMINATION IN A FOSTER CARE CASE?

Division of Children and Family Services (DCFS) staff make the good cause determination.

HOW WILL DCS KNOW THAT CHILDREN'S ADMINISTRATIONS HAS MADE A GOOD CAUSE DETERMINATION IN A FOSTER CARE CASE?

If DCFS staff approve good cause, the IV-E Regional Federal Funding Coordinator:

- a. Notifies the DCS Interface Coordinator; and
- b. Includes the specific reason.

The DCS interface Coordinator then:

- a. Posts a case comment (CC) to the appropriate case;
- b. Sets a review for the responsible support enforcement officer (RSEO); and
- c. Keeps a record of the good cause approval for tracking purposes.

WHAT IF THE NONCUSTODIAL PARENT (NCP) CONTACTS ME AND REQUESTS A GOOD CAUSE DETERMINATION ON A FOSTER CARE CASE?

Refer the NCP to the DCFS social worker. The DCS CAMIS liaison can look up the name of the social worker on CAMIS. Only DCFS staff make the good cause determination.

DOES A GOOD CAUSE APPROVAL APPLY TO ALL CASES WHEN THERE ARE MULTIPLE NCPs?

Not necessarily. For instance, if DCFS approved good cause because:

- a. The child is developmentally disabled, then good cause would apply to all the child's foster care cases.
- b. A family member is the victim of the child and the child has served time with JRA for this offense and is now discharged and in foster care, then good cause would apply to the parents(s) of the household victim.
- c. Rape or incest caused the child to be conceived, good cause not to establish paternity may apply to only the "ongoing" NCP father or alleged father.

The notice from DCFS will indicate which NCPs have been approved for good cause.

IS GOOD CAUSE RE-DETERMINED EVERY SIX MONTHS AS IN IV-A DETERMINATIONS?

In most cases, good cause applies to the life of the foster care case, but not always. For instance, reunification could be later rescinded if the reunification plan fails. The approval will state if DCFS will make future re-determinations.

DOES A IV-A GOOD CAUSE APPROVAL (LEVEL A OR B) CARRY OVER TO THE FOSTER CARE CASE?

See Support Enforcement Handbook chapter 5.000 B (6). A good cause claim against the NCP in a TANF case should automatically carry over to a foster care case when a child goes into care. If DCS initiates a case against the former CP, good cause must be determined separately for that parent. The Children's Administration may not always know that good cause was approved on the TANF case. The Community Services Office also may not be aware that a former foster care case good cause was approved. If you are aware that the foster child's former TANF case or that of the child's former foster care case was approved for good cause, let the referring office know of the prior claim.

Good cause on a foster care case, however, does not always carry over to the TANF case. If DCFS makes a good cause determination in a foster care case, some of those types of good cause do not apply to other non-foster care types of cases. For example, if DCFS determined there was good cause because pursuing support would interfere with reunification efforts, that is not a basis for a good cause determination in a TANF case. If, for another example, the good cause determination was based on the potential danger of domestic abuse to the child if child support were pursued, the basis for a good cause determination should be the same for the TANF case as for the foster care case.

CAN WE AUTOMATE THIS PROCESS?

DCS and Children's Administration continue to work toward a long-term solution to improve and automate this process. Possibilities include:

- a. Allowing social workers to enter a good cause indicator on their case records that would update the SEMS case through an interface.
- b. Modifying CAMIS to have a good cause code on the referral sent to DCS from the IV-E Coordinator.
- c. Continuing to explore options that would allow DSHS to track good cause, and periodically review good cause determinations.

WHERE CAN I DIRECT MY COMMENTS AND QUESTIONS REGARDING THIS PCM?

Please e-mail comments and questions regarding this policy to dcspolicy@dshs.wa.gov.

cc: Ellen Nolan
Nathan Williams